

REMARKS

The examiner is thanked for the helpful personal interview on September 3, 2003. As discussed, new claim 35 has been added. It is believed that the amendment places the application either in condition for allowance or in better form for appeal. Therefore, its entry is respectfully requested.

This amendment is supplemental to the declaration filed October 10, 2003. The composition described in the publication which is discussed in the declaration contains the active ingredients recited in claim 35. This amendment is not an acquiescence to the grounds of rejection, but is merely to facilitate prosecution. The skilled worker would clearly recognize the full scope of equivalents to the claimed subject matter.

It is furthermore believed that this amendment presents no new issues requiring further consideration or search. For example, the phrase "enhancing or improving female sexual pleasure" was already examined in the existing claims. See, e.g., Claim 16, "facilitating female sexual arousal, female sexual response or heightened female genital sensation." The phrase is fully supported in the specification. See, e.g., Specification, Page 10, line 30, and Page 11, lines 31-34.

The examiner has also previously considered the recited phrase: "Coleus forskohli extract comprising effective amounts of forskolin." For example, a Coleus forskohli extract comprising forskolin is referred to repeatedly in the Office Action dated August 27, 2002: Page 8, "... Example 2 of the Instant Specification (i.e., including Coleus forskohli extract containing 80% forskolin)"; Page 10, line 9; and Page 11, lines 14-15. A prior art reference cited in the §103 rejection in the same Office Action describes a composition comprising forskolin. See, Oblong, WO 00/69406, Abstract. Support for the amendment can be found in the specification, e.g., Page 4, lines 18-20, and

Example 2.

It is believed that amendments overcome all the remaining rejections of the claims. For example, it would be routine to determine the amounts of the recited ingredients that are effective for enhancing or improving sexual pleasure, e.g., following Examples 1-3 of the specification. Moreover, there would be no motivation to combine these ingredients for the purpose of enhancing or improving female sexual pleasure, etc. The prior art references cited in the Office action describe topical applications to the skin epidermis, not, for example, to the vagina or external female genitalia. See, e.g., Specification, Page 6, line 30. The skin epidermis is histologically different from such tissue. Moreover, the cited references do not describe (a), (b), or (c) of claim 35, let alone all three recited ingredients, for enhancing or improving sexual pleasure, nor do they suggest combining them for such purpose.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.


Respectfully submitted,

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